

From the INTERNATIONAL BUREAU

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NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

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RECEIVED

28 SEP 2006

FILE No. 29185

G.E. EHRLICH (1995) LTD.

IMPORTANT NOTICE

Date of mailing (day/month/year)

14 September 2006 (14.09.2006)

Applicant's or agent's file reference

29185

International application No.

PCT/IL2005/000254

International filing date (day/month/year)

03 March 2005 (03.03.2005)

Priority date (day/month/year)

04 March 2004 (04.03.2004)

Applicant

OREN, Ran et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

| | | | |
|--|--|--|------------------|
| Applicant's or agent's file reference 29185 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/IL2005/000254 | International filing date (<i>day/month/year</i>) 03 March 2005 (03.03.2005) | Priority date (<i>day/month/year</i>) 04 March 2004 (04.03.2004) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant OREN, Ran | | | |

| | | | |
|---|--|---|--|
| 1. | This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a). | | |
| 2. | This REPORT consists of a total of 4 sheets, including this cover sheet. | | |
| In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead. | | | |
| 3. | This report contains indications relating to the following items: | | |
| | <input checked="" type="checkbox"/> Box No. I | Basis of the report | |
| | <input type="checkbox"/> Box No. II | Priority | |
| | <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | |
| | <input type="checkbox"/> Box No. IV | Lack of unity of invention | |
| | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | |
| | <input type="checkbox"/> Box No. VI | Certain documents cited | |
| | <input type="checkbox"/> Box No. VII | Certain defects in the international application | |
| | <input type="checkbox"/> Box No. VIII | Certain observations on the international application | |
| 4. | The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2). | | |

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|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004) | Date of issuance of this report 05 September 2006 (05.09.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Simin Baharlou</div> e-mail: pt09@wipo.int |
|---|---|

From the
INTERNATIONAL SEARCHING AUTHORITY

PATENT COOPERATION TREATY

To:
BENJAMIN J. BARISH
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REC'D 08 FEB 2006

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|---|--|-------------------------------------|
| Applicant's or agent's file reference | | Date of mailing (day/month/year) |
| 29185 | | 06 FEB 2006 |
| FOR FURTHER ACTION See paragraph 2 below | | |
| International application No. | International filing date (day/month/year) | Priority date (day/month/year) |
| PCT/IL05/00254 | 03 March 2005 (03.03.2005) | 04 March 2004 (04.03.2004) |
| International Patent Classification (IPC) or both national classification and IPC | | |
| IPC(7): A61B 17/04 and US Cl.: 606/148 | | |
| Applicant | | |
| OREN, RAN | | |

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|---|---|---|
| Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 01 February 2006 (01.02.2006) | Authorized officer Julian W. Woo Telephone No. 571-272-2975 |
|---|---|---|

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IL05/00254

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL05/00254

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 3-8,10-20

YES

Claims 1,2,9

NO

Inventive step (IS)

Claims 3-8 and 10-20

YES

Claims 1,2,9

NO

Industrial applicability (IA)

Claims 1-20

YES

Claims NONE

NO

2. Citations and explanations:

Claims 1 and 2 lack novelty under PCT Article 33(2) as being anticipated by Mangum (5,397,326). Mangum discloses, at least in figure 10, an implement for manipulating a knotted suture, where the implement includes an elongated shaft (402) and a distal end of the elongated shaft having an end face formed with a recess (between 412 and 422), the distal end being formed with an open slot (440) starting from a location spaced from the end face and leading to the recess, where the open slot is formed of a width to accommodate a wide range of suture sizes and materials.

Claims 1 and 9 lack novelty under PCT Article 33(2) as being anticipated by Andreas et al. (5,797,929). Andreas et al. disclose, at least in figures 1, 3, and 4, an implement for manipulating a knotted suture, where the implement includes an elongated shaft (12) and a distal end (22) of the elongated shaft having an end face formed with a recess (40), the distal end being formed with an open slot (42) starting from a location spaced from the end face and leading to the recess, where the distal end is of increased outer diameter.

Claims 3-8 and 10-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest an implement for manipulating a knotted suture, where the implement includes, inter alia, an elongated shaft and a distal end of the elongated shaft having an end face formed with a recess, the distal end being formed with an open slot starting from a location spaced from the end face and leading to the recess, where the open slot is formed with a first section leading from the recess towards the proximal end of the elongated shaft, and a second section leading from a juncture with the first section towards the distal end of the elongated shaft but terminating short of the end face, and where a tubular cutter encloses the elongated shaft.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus an implement for manipulating a knotted suture has industrial applicability because the subject matter claimed can be made or used in industry.